

## REMARKS

Applicants submit this Amendment in reply to the Office Action mailed August 25, 2004.

In this Amendment, Applicants have amended the specification to correctly recite that "This is a continuation application of Application No. 09/907,809..." as requested by the Examiner. Applicants note that the aforementioned error was an inadvertent, typographical error, and that the Transmittal Letter filed with this application on October 23, 2003 correctly listed this application as being a continuation application of Application No. 09/907,809, filed July 19, 2001.

Before entry of this Amendment, claims 30-56 were pending in this application. After entry of this Amendment, claims 30-56 are still pending in this application. Claims 30 is the sole independent claim.

On pages 2-5 of the Office Action, claims 30-46, 48-51, and 54 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,380,996 to Yokohama et al. ("Yokohama"). Applicants respectfully traverse this rejection.

Page 2 of the Office Action states:

Yokohama discloses (figs. 1, 2, col. 5, lines 29-39 and col. 12, lines 60-67) an optical compensation film comprising a support 16 and an optically anisotropic layer 14 consisting a single layer (as in claim 40), wherein the optically anisotropic layer is a layer on which orientation of the liquid crystalline compound is fixed and the support is an optically biaxial cellulose ester film, wherein the liquid crystalline compound of the optical anisotropic layer is rod-shaped.

Applicants respectfully disagree with this interpretation of Yokohama, especially the phrase "wherein the liquid crystalline compound of the optical anisotropic layer is rod-shaped," and assert that Yokohama does not disclose the combination of aspects set

forth in independent claim 30. For example, independent claim 30 recites an optical compensation film including, among other aspects, "a support and an optically anisotropic layer... wherein the liquid crystalline compound is rod-shaped." Yokohama does not disclose this aspect in combination with the other aspects of the claimed subject matter, as Yokohama repeatedly discloses using a discotic liquid crystal (for example, at col. 1, lines 11-16, col. 5, lines 29-40, and col. 6, line 15 through col. 12, line 29), and indeed teaches away from using a rod-shaped crystal (for example, at col. 2, lines 25-36). For at least this reason, Applicants respectfully request withdrawal of the Section 102(e) rejection.

On page 5 of the Office Action, claim 52 was rejected under 35 U.S.C. §103(a) as being unpatentable over Yokohama in view of U.S. Patent No. 6,493,053 to Miyachi et al. ("Miyachi"). At least because the Office Action does not show how Miyachi remedies the aforementioned deficiency of Yokohama, Applicants respectfully request withdrawal of the Section 103(a) rejection based on Yokohama and Miyachi.

On page 6 of the Office Action, claim 53 was rejected under 35 U.S.C. §103(a) as being unpatentable over Yokohama in view of U.S. Patent No. 6,081,312 to Aminaka et al. ("Aminaka"). At least because the Office Action does not show how Aminaka remedies the aforementioned deficiency of Yokohama, Applicants respectfully request withdrawal of the Section 103(a) rejection based on Yokohama and Aminaka.

On pages 6-7 of the Office Action, claims 30-56 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-11, 14-21, and 23-29 of copending Application No. 09/907,809. Because this rejection is only provisional, a full response is not required at

this time. Once all of the claims in this application are indicated as being allowably or after the rejection is no longer provisional, Applicants expect to file a Terminal Disclaimer.

Applicants further submit that claims 31-56 depend from independent claim 30, and are therefore allowable for at least the same reasons that independent claim 30 is allowable. In addition, at least some of the dependent claims recite unique combinations that are neither taught nor suggested by prior art, and therefore at least some also are separately patentable.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

The Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

In discussing the specification and claims in this Amendment, it is to be understood that Applicants are in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification or abstract and/or shown in the drawings. Rather, Applicants are entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Please grant any extensions of time required to enter this Amendment and  
charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

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By: 

Michael W. Kim  
Reg. No. 51,880